

STATE ENVIRONMENTAL COMMISSION
BOX INTERNAL IDENTIFICATION NUMBER: 58
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CONTENTS: 1998 STATE ENVIRONMENTAL COMMISSION
REGULATORY HEARINGS

HEARING DATE: **LOCATION:**

January 22, 1998

Las Vegas

Hearing files contain the minutes, exhibits, regulatory language and petitions and all administrative documents relating to the hearing.

Regulatory Petitions for January 22, 1998

A. Petition 97010 (LCB R-205-97) proposes to permanently amend NAC 445B.400 to NAC 445B.775 by adding a new section regarding the definition of restored vehicles and for provisions allowing restored vehicles to be exempt from the vehicle emission programs in Clark and Washoe county. **(Adopted by Commission)**

B. Petition 97007 (LCB R-201-97) proposes to amend Nevada Administrative Code (NAC) 445C to add regulations pertaining to allowing individuals and companies to conduct environmental audits in cooperation with regulatory agencies. The regulations provide for the consideration of reductions in penalties for criminal violations and the elimination of sanctions for civil and administrative actions. The proposed regulations define the audit agreement contents, scope and post audit reporting requirements. **(Adopted by Commission)**

C. Petition 97008 (LCB R-202-97) proposes to permanently amend hazardous waste regulations NAC 444.84275, 444.84275 and 444.8632 by amending the reference to federal regulations as they existed on July 1, 1997, and to amend NAC 444.8632 to adopt 40 C.F.R. Parts 2, Subpart A, 124, Subparts A and B, Parts 260 to 270, and Part 279 as those parts exist on July 1, 1997. The new regulations provide for increased public participation in facility permitting processes, identify when military munitions become a RCRA hazardous waste, and provide for their safe storage and transport. The federal revisions also include clarification of CESQG disposal options, additional test methods, technical corrections, and industry treatment standards for the management of hazardous waste. The proposed amendments also revise the state definition of hazardous waste (NAC 444.8565) and container labeling requirements (NAC 444.8671) to make them more consistent with federal regulations.

Proposed amendments to current antifreeze regulations consist of amendments to NAC 444.9452 to adopt 40 C.F.R. as it existed on July 1, 1997, and technical corrections to NAC 444.8886 and NAC 444.8951. **(Adopted by Commission)**

D. Petition 97009 (LCB R-204-97) proposes to permanently amend NAC 445B by establishing a new section to govern municipal solid waste landfills annual reporting of nonmethane organic compound emissions, the process for planning and installing air emission collection and control equipment. This regulation is based on 40 C.F.R. Parts 60.30(c) to 60.36(c) and amends NAC 445B.001 to 445B.395. **(Adopted by Commission)**

E. Petition 97004 (LCB R-105-97) amends NAC 445B.001 to 445B.395 by adding a new provision for a stationary source to request a revision for a air quality Class II operating permit. In addition, NAC 445B.011 is revised to reference the NRS. NAC 445B.019, "applicable requirement" is re-defined to delete temporary source; NAC 445B.094 amends the definition of major source to exclude mobile sources as defined under Title II of the Federal Clean Air Act; and NAC 445B.221 is amended to add various subparts for New Source Performance Standard Industrial-Commercial-Institutional Steam Generating Units, Municipal Landfills, dry cleaners, chrome anodizing tanks, industrial process cooling towers, halogenated solvents, wood furniture manufacturing, printing and publishing, tanks, containers, surface impoundments, individual drain system and oil or organic water separators. The term "modification" is supplanted with the term "revision" from NAC 445B.001 to NAC 445B.395. NAC 445B.321 is proposed to be amended to add thresholds in defining minor revisions for Class I operating permits. It is proposed that NAC 445B.024, 445B.025, 445B.026, 445B.039, 445B.040, 445B.089, 445B.100, 445B.101, 445B.150, 445B.238, 445B.240, 445B.241, 445B.243, 445B.244, 445B.245, and 445B.367 be repealed. **(Adopted by Commission)**

F. Petition 97006 (LCB R-107-97) amends NAC 444.8452 "Additional fees to offset cost of inspection and other regulation: Payment; accounting; penalty for unpaid fee." The proposed amendment adjusts the fees charged for disposal and treatment of hazardous waste to make rates at the state owned Beatty facility comparable to California rates. Fees for importation of hazardous waste, not federally regulated, are reduced and fees for treatment are retained at \$ 5.00 dollars per ton. **(Adopted by Commission)**

Non Regulatory Petitions for January 22, 1998

A. The Nevada Environmental Commission pursuant to NAC 444.8476 received a request on November 6, 1997 from Day & Zimmerman Hawthorne Corporation, the operations contractor for the Hawthorne Army Depot, for a variance application from NAC 444.8456(1)(d). This is in regards for the proposed plasma ordnance demilitarization system. The variance application concerns the proximity of groundwater beneath the proposed ordnance demilitarization system. NAC 444.847 through 444.8482 provides for the Environmental Commission to act upon variance requests. The variance application has been reviewed by the Nevada Division of Environmental Protection. The division's recommendation is for approval of the variance request. NAC 444.8478 provides for a thirty day public notice and comment period. **(Approved by Commission)**

B. The Nevada Environmental Commission pursuant to NAC 445B.254 may provide an exemption for a person, government, governmental agency or political subdivision from the provisions of NAC 445B.001 to 445B.395 for an exceptional air quality event. The Division of Environmental Protection is requesting that the Commission declare four exceedances of the National Ambient Air Quality Standards for particulate matter (PM10) exceptional events under NAC 445B.254(3)(1) due to high winds or the cleanup of silt deposited during the floods in January, 1997. These exceedances occurred in Carson City, Battle Mountain, Lovelock and McGill, Nevada. This designation would allow the Division to exclude these data from use in regulatory actions, attainment designations, and the requirement to develop control strategies. **(Approved by Commission)**

Settlement Agreements on Air Quality Violations for January 22, 1998

- A. Day & Zimmermann Hawthorne Corp; Notice of Alleged Violation # 1244
- B. Echo Bay Minerals; Notice of Alleged Violation # 1288
- C. Nevada Cement Company; Notice of Alleged Violation # 1261
- D. Little Mondeaux Limousin Corp; Notice of Alleged Violations #1252, 1253, 1269 & 1273
- E. H.E. Hunewill Construction Co.; Notice of Alleged Violation # 1276
- F. T.G. Sheppard Construction Inc.; Notice of Alleged Violation # 1279
- G. Granite Construction Company; Notice of Alleged Violation # 1270

HEARING DATE:

LOCATION:

March 25, 1998

Las Vegas

Hearing files contain the minutes, exhibits, regulatory language and petitions and all administrative documents relating to the hearing.

Regulatory Petitions for March 25, 1998

A. Petition 98001 (LCB File No. R-033-98) is a proposed permanent regulation amending NAC 445B.590 to require that a waiver from the provisions of NAC 445B.596, the vehicle emission inspection and maintenance program, be increased from \$ 100 for self repair and \$ 200 for shop repair to \$ 450 and that the receipt for parts and services be from an authorized station. The provision to credit waiver expenditures for owner self repair of a vehicle is proposed to be repealed. The proposed amendments are required by the U.S. Environmental Protection Agency to be in effect by 1998 for the enhanced Inspection and Maintenance emission test program. **(Adopted by Commission)**

B. Petition 98002 (LCB File No. R-034-98) is a proposed permanent amendment to NAC 444.570 to 444.7499, solid waste disposal by adding new provisions relating financial assurance for municipal solid waste landfills. The regulation establishes a local government financial test and criteria for guarantees. The regulation also establishes a corporate

financial test and criteria for financial guarantees for landfill owners and operators.
(Petition Died)

C. Petition 98003 (LCB File No. R-035-98) is proposed to permanently amend NAC 444.570 to 444.7499 by adding new provisions relating to solid waste public storage bin facilities and transfer stations. The regulations establish a process for application for approval criteria for transfer stations including the transfer design report, operating plan, design standards, and operating standards. Standards for public storage bins are established. NAC 444.666 is proposed to be amended to remove the provision requiring all-weather roads for approach and exit to transfer stations. NAC 444.628 is proposed to be amended to establish alternative frequencies for monitoring at Class II landfill sites. NAC 444.688 is proposed to be amended to define "operating day" for determining the necessary frequency and criteria for covering landfill sites. NAC 444.7175 is proposed to be amended to provide for alternative requirements for infiltration barriers at Class II sites. NAC 444.747 is proposed to be amended to provide record keeping criteria for Class III landfill sites.
(Adopted by Commission)

D. Petition 98004 (LCB File No. R-036-97) is proposed to permanently amend NAC 445B.321, minor revisions to Class I air quality operating permits, by clarification of the comment period for Class I minor revisions. This regulation will amend Section 28 of petition 97004, LCB file R-105-97, as adopted by the Environmental Commission January 22, 1998. **(Adopted by Commission)**

Non-Regulatory Items for March 25, 1998

COLORADO RIVER SALINITY CONTROL FORUM STANDARDS ADOPTION

The Environmental Commission will be reviewing and consider adoption of the Colorado River Salinity Control Forum's 1996 Review of Water Quality Standards for Salinity. Section 303 of the Clean Water Act requires water quality standards be reviewed from time to time. The Colorado River Salinity Control Forum, composed of seven states in the Colorado River Basin, recommends no change in the numeric salinity criteria at the three lower main reaches of the Colorado River. The 1996 review presents recommended revisions to the plan of implementation based upon hydrologic conditions and water use within the Colorado River Basin. **(Adopted by Commission; EPA approved action on March 28, 2000 and the letter is included in this hearing file)**

REGULATORY WORKSHOP & REVIEW PURSUANT TO NRS 233B.050(d)

The Environmental Commission will begin reviewing its Rules of Practice (NAC 445B.875 to 445B.899) pursuant to NRS 233B.050, subsection d. After the review the Commission will conduct a workshop pursuant to NRS 233B.061 regarding the development of possible regulations regarding the Rules of Practice, including such topics

as management of appeals before the Commission and other relevant matters as may be defined upon the review of the Rules of Practice.

Settlement Agreements on Air Quality Violations for March 25, 1998

- A. Continental Lime, Inc.; Notice of Alleged Violation # 1289 and 1290
- B. Arimetco, Inc.; Notice of Alleged Violations # 1293 and 1294
- C. A & K Earthmovers, Inc.; Notice of Alleged Violations # 1297 and 1298
- D. Granite Construction Co.; Notice of Alleged Violations # 1301, 1302 and 1303

HEARING DATE:

LOCATION:

The Nevada State Environmental Commission will be conducting a **field trip on Tuesday June 16, 1998** prior to the regulatory hearing scheduled for 9:00 am on Wednesday, June 17, 1998. The purpose of the Field Trip is to allow the Commissioners to view the Las Vegas Wash, Las Vegas Bay and Lake Mead. **No deliberation or action will take place during this field trip.**

HEARING DATE:

LOCATION:

June 17, 1998

Las Vegas

Hearing files contain the minutes, exhibits, regulatory language and petitions and all administrative documents relating to the hearing.

Regulatory Petitions for June 17, 1998

A. Petition 98005 (LCB R-062-98) is a proposed permanent amendment to NAC 445A.194 to NAC 445A.201 for revisions to the water quality standards for Las Vegas Wash, Las Vegas Bay and Lake Mead. The proposed revisions add explanation of requirements to maintain existing higher quality (RMHQ). It is proposed to remove all references to "90% of the samples" and replace the language with "95% of the samples" for RMHQs. The pH standard for Lake Mead water quality standards in NAC 445A.194 and 445A.195 is proposed to be revised and a standard for escherichia coli is added. NAC 445A.196 and 445A.197, the standards for the Las Vegas Bay, are proposed to be amended to add RMHQs for chlorophyll a at stations LM4 and LM5 and to revise the standard for pH and nitrite. NAC's 445A.198 through NAC 445A.201 are proposed to be amended to add a standard for total suspended solids, revise the standard for pH in the lower reach and revise the RMHQ for total dissolved solids. **(Adopted by Commission, with EPA approval letter of May 2, 2000)**

B. Petition 98006 (LCB R-063-98) is a permanent amendment to NAC 445B that updates the Environmental Commissions Rules of Practice. The petition amends NAC 445B.890 (Request for Hearing) by updating the address and zip code of the

Commission. Updates to the Rules of Practice are fulfilled in accordance to NRS 233B.050(d). **(Adopted by Commission)**

Settlement Agreements on Air Quality Violations for June 17, 1998

- A. Mt Hamilton Mining; Notice of Alleged Violation # 1306
- B. Homestake Ruby Mine; Notice of Alleged Violations # 1304

Non Regulatory Items on June 17, 1998

The Environmental Commission will conduct a preliminary examination of the complaint from Mr. Robert Hall of the Nevada Environmental Coalition regarding the Clark County Health District air pollution control program pursuant to Nevada Revised Statute (NRS) 445B.520 and 445B.530. This examination will consist of determination of whether to accept the petition and to schedule the matter for hearing on the program's adequacy. If a hearing is scheduled the Commission may decide all preliminary matters in including necessary parties and exchanges of evidence.

The petition by Mr. Robert Hall requests that the Environmental Commission act to supercede and assume jurisdiction over the Clark County Health District's air pollution program as provided for in NRS 445B.520. The complaint alleges that the Health District has established an emissions offset program that violates the Nevada constitution and state law. In addition, the complaint alleges that the Clark County Health District is proceeding on a fuel standards reform program that is in violation of NRS 445B.505. Other complaints have been alleged relative to the statutory authority of the Health District to conduct an air pollution control program. **(Commission denied the Petition)**

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